



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2404740  
**Applicant Name:** Jim Dean for Dean and Zellerhoff LLC  
**Address of Proposal:** 4527 40<sup>th</sup> Ave SW

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to divide one parcel into 4 unit lots (unit lot subdivision). Proposed lot areas are: A) 1,314 square feet, B) 1,561 square feet, C) 1,439 square feet; and D) 1,439 square feet.

The following approval is required:

Short Subdivision - To divide one parcel into four (4) parcels of land (unit lot subdivision). (Seattle Municipal Code Chapter 23.24)

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site Description**

The approximately 5,753 square foot site is located in a Lowrise 2 (L2) zone on 40<sup>th</sup> Avenue Southwest. The site is between SW Oregon Street and SW Alaska Street. Pedestrian access to the site is via 40<sup>th</sup> Avenue Southwest. 40<sup>th</sup> Avenue Southwest is paved with curbs and sidewalks. On street parking is allowed. The site has vehicle access via an alley.

### Area Development

Zoning in the immediate vicinity is a Residential, Multi-family, Lowrise 2, (L) zone. Neighborhood Commercial and Commercial zoning is nearby. The immediate area is a mix of single family homes, single family homes converted to multi-family use, and commercial development.

### Proposal Description

The applicant proposes to subdivide the subject parcel into 4 unit lots (unit lot subdivision). Proposed lot areas are: A) 1,314 square feet, B) 1,561 square feet, C) 1,439 square feet; and D) 1,439 square feet. An ingress, egress and utility easement will run along the south edge of the property. Parking access is off of the alley.

### Public Comments

No comment letters were received during the official public comment period which ended August 4, 2004.

### **ANALYSIS - SHORT SUBDIVISION**

SMC Section 23.24.040 provides that the director shall use the following criteria to determine whether to grant, condition, or deny a short plat application:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit Subdivisions.*

Based upon information provided by the applicant; review and approval of access, drainage and zoning within the Department of Planning and Development (DPD), the review and approval from the Seattle Water Department (SWD), Seattle Fire Department (SFD), and Seattle City Light; and review by the Land Use Planner, the following findings are made with respect to the criteria cited above:

1. The intent of the Lowrise 2 zone is to provide additional housing opportunities in multi-family neighborhoods where it is desirable to limit development to infill projects and conversion compatible with the existing mix of houses and small-to-moderate scale apartment buildings. The proposed short plat conforms to the applicable zoning and land use code. The parent lot will conform to all development standards of the L2 zoning district. The configuration of the unit lots will permit construction of new townhouses in accordance with applicable development standards of the L2 zone.
2. Vehicular access to the building site will be from the alley. The Seattle Fire Department has approved this proposed short plat. Parcels located on private access easements should place an address identification sign near the intersection of the access easement with the public road for ease of identification of the property, especially in the event of an emergency. In order to assure that the maintenance responsibility of the private access is clear, the applicant/responsible party will be required to attach an easement maintenance agreement to the final short plat. Seattle City Light requires an overhead/underground easement over the areas identified as ingress, egress, and utility easement on sheet 2 of the short plat documents. These requirements will be included as a condition of the final short plat to assure continued access for vehicles, utilities and fire protection.
3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle and availability of service is assured subject to standard conditions of utility extension. The project has received a Water Availability Certificate 2004-1025. The storm water drainage system to be incorporated into the new building sites will be reviewed for compliance with the applicable provision of the Storm water, Grading and Drainage control code by the DPD Access and Drainage Review Section upon application for building permits. The existing house located upon the proposed short plat is connected by means of a single sidesewer to a 15-inch diameter public combined sewer located in 40th Ave SW. Drainage comments regarding this development ask the applicant to contact the DPD Sidesewer and Drainage counter for sidesewer permit requirements. A standard drainage control plan will be required at time of building permit application using standard plans and methods.
4. The public use and interests are served by permitting the proposed division of land. The proposal meets all applicable criteria for approval of a short plat as discussed under Criteria 1, 2, and 3 of this analysis.
5. This site is not an environmentally critical area as defined in SMC 25.09.100; therefore, criterion #5 is not applicable to this application.
6. This unit lot subdivision is designed to maximize the retention of existing trees.
7. The provisions of SMC Section 23.24.045, Unit Subdivisions, are as follows:
  - A. *The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments and single family residences in zones where such uses are permitted.*

The subject proposal would establish separate unit lots for four townhouses and a in an L2 zone; thus, falling within the purview of SMC Section 23.24.045.

- B. Sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual lots may be non-conforming as to some or all of the development standards based on analysis of the individual unit lot, except that private, useable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

The open space as required above shall be provided on the survey as a condition of this short plat (unit lot subdivision).

- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any non-conformity of the parent lot.*

The condition added pursuant to Criterion F below should assure proper control of future platting actions, additions or modifications to the structure(s).

- D. Access easements and joint use and maintenance shall be executed for use of common garage or parking areas, common open spaces (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*

Joint use and maintenance agreements for pedestrian and vehicular easements and all common areas must be provided with the final recording documents and is a condition of this decision. A maintenance easement or agreement is required if maintenance access on another property is desirable or required to maintain any portion of a building.

- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Required parking will be provided on each unit lot with vehicle access by easement.

- F. The fact that the unit lot is not a separate building lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Review of this site plan shows that the proposed short subdivision conforms to applicable standards of SMC 23.24.045 for unit lot subdivisions. As conditioned below, the future owners shall have constructive notice that additional development may be limited.

### Summary

The lots to be created by this short subdivision will meet all minimum standards of the L2 zone set forth in the Land Use Code, and are consistent with applicable L2 policy guidelines. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

### **CONDITIONS - SHORT SUBDIVISION**

#### Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
2. Add the City Light Easement language and number to sheet #5.
3. Enlarge the typeface, use boldface type, underline or otherwise highlight the following on the face of the plat: *"The unit lot is not a separate buildable lot. Additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot."*
4. Submit the recording fee and final recording forms for approval.

#### Prior to Issuance of any Building Permit

5. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short plat to any future building plans.

Signature: \_\_\_\_\_ (signature on file) Date: December 9, 2004  
Holly J. Godard, Land Use Planner  
Department of Planning and Development

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